

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD**

MONDAY, THE FOURTH DAY OF MAY

TWO THOUSAND AND TWENTY SIX

**:PRESENT:**

**THE HONOURABLE JUSTICE MOUSHUMI BHATTACHARYA**

**AND**

**THE HONOURABLE SRI JUSTICE GADI PRAVEEN KUMAR**

**WRIT PETITION NOS: 40594 AND 40595 OF 2025**

**WRIT PETITION NO: 40594 OF 2025**

**Between:**

1. M/s. Venagro, a Partnership Firm, represented by its Managing Partner, Mr. VenuAkula, aged 48 years, Occ. Business, R/o. Flat No. 618 - 619, Sundaram Building, Rama Raja Nagar, Suchitra, Jeedimetla, Quthbullapur, Ranga Reddy District - 500055.
2. Mr. VenuAkula, S/o. Late Narayana Akula, aged 48 years, Occ. Business, R/o. Flat No. 618 - 619, Sundaram Building, Rama Raja Nagar, Suchitra, Jeedimetla, Quthbullapur, Ranga Reddy District - 500055.
3. Mr. Tunki Narender Rao, Residing at. H.No. 5-64, Age-82, Adarsh Nagar Colony, Lingampally, Serilingampally, Hyderabad, Telangana - 500019.
4. Mr. TunkiRaghavender Rao, S/o. T. Narender Rao, Residing at. H.No. 5-64, Age-54, Adarsh Nagar Colony, Lingampally, Serilingampally, Hyderabad, Telangana - 500019.
5. Mrs. Prathima Akula, W/o. VenuAkula, aged 42 years, R/o. Flat No. 618 - 619, Sundaram Building, Rama Raja Nagar, Suchitra, Jeedimetla, Quthbullapur, Ranga Reddy District - 500055.

**...Petitioners**

**AND**

1. Kotak Mahindra Bank Limited, Represented by its Authorised officer, 3rd Floor, Jewel Pawani Towers, Rajbhavan Road, Somajiguda, Hyderabad - 500082.
2. Mr. K. Rohit Reddy, Residing at Villa No. 160, Palm Meadows, Kompally, Hyderabad -500014.
3. The Reserve Bank of India, Rep. by its Governor, Central Office, Shahid Bhagat Singh Marg, Mumbai - 400001.

**...Respondents**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to:-

- (a) issue a Writ of Certiorari or any other appropriate writ, order or direction, quashing and setting aside the final common order dated 18.11.2025 passed by the Debts Recovery Appellate Tribunal, Kolkata, in Appeal No. 40 of 2025 and Appeal No. 51 of 2025, and consequently restore and uphold the order dated 11.03.2025 passed by the Debts Recovery Tribunal-II, Hyderabad in S.A. No. 395 of 2023
- (b) declare that the classification of the Petitioners' loan account as a Non-Performing Asset and the measures initiated by Respondent No. 1 under Sections 13(2) and 13(4) of the SARFAESI Act are illegal, arbitrary and in violation of the mandatory directions contained in the RBI Resolution Framework 1.0 dated 06.08.2020, Resolution Framework 2.0 dated 05.05.2021, and the MSME Notification dated 29.05.2015.
- (c) declare that the auction sale conducted on 20.12.2023 and the sale certificate dated 23.01.2024 issued in favour of Respondent No. 2 are illegal, void and unenforceable. and consequently direct Respondent Nos. 1 and 2 to restore possession and status of the secured assets to the Petitioners, if possession has been disturbed or transferred pursuant to the impugned sale proceedings,
- (d) Declare that the continued inaction of Respondent No. 3 in failing to consider and decide the Petitioner's representation dated 16.05.2024, made against Respondent No. 1 for its non-compliance with the mandatory RBI Resolution Framework 1.0 dated 06.08.2020, Resolution Framework 2.0 dated 05/05/2021, and the MSME Notification dated 29.05.2015, amounts to abdication of statutory and regulatory duties, is arbitrary and unconstitutional, and has caused grave prejudice to the Petitioner.

**IA NO: 1 OF 2025**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the operation and effect of the impugned final common order dated 18.11.2025 passed by the Debts Recovery Appellate Tribunal, Kolkata, in Appeal No. 40 of 2025 and Appeal No. 51 of 2025, pending disposal of WP.No.40594 of 2025, on the file of the High Court.

**IA NO: 2 OF 2025**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Respondent No. 3 to consider the Petitioner's representation dated 16.05.2024 against Respondent No. 1 Bank, as per the law, pending disposal of WP.No.40594 of 2025, on the file of the High Court.

**IA NO: 3 OF 2025**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct Respondent Nos. 1 and 2 not to alienate, encumber transfer, or create any

manner of third-party interest, and not to change the nature or character of the schedule properties covered under the Sale Certificate dated 23.01.2024 issued in favour of Respondent No. 2, pending disposal of WP.No.40594 of 2025, on the file of the High Court.

**WRIT PETITION NO: 40595 OF 2025**

**Between:**

1. M/s. Sriven Marketing, a Sole Proprietor Concern, represented by its Proprietor Mr. VenuAkula, aged 48 years, Occ. Business, R/o. Flat No. 618 - 619, Sundaram Building, Rama Raja Nagar. Suchitra, Jeedimetla, Quthbullapur. Ranga Reddy District - 500055.
2. Mr. VenuAkula, S/o. Late Narayana Akula, aged 48 years, Occ. Business. R/o. Flat No. 618 -619, Sundaram Building, Rama Raja Nagar, Suchitra. Jeedimetla, Quthbullapur, Ranga Reddy District -500055.
3. Mr. Tunki Narender Rao, residing at H.No. 5-64, Age 82, Adarsh Nagar Colony, Lingampally, Serilingampally, Hyderabad, Telangana -500019.
4. Mr. TunkiRaghavender Rao, S/o. T. Narender Rao, Age 54, residing at H.No. 5-64, Adarsh Nagar Colony, Lingampally, Serilingampally, Hyderabad, Telangana -500019.
5. Mrs. Prathima Akula, w/o. VenuAkula, aged 42 years, R/o. Flat No. 618 -619, Sundaram Building, Rama Raja Nagar, Suchitra, Jeedimetla, Quthbullapur, Ranga Reddy District -500055.

**...Petitioners**

**AND**

1. Kotak Mahindra Bank Limited, Represented by its Authorised officer, 3rd Floor, Jewel Pawani Towers, Rajbhavan Road, Somajiguda, Hyderabad - 500082.
2. Mr. K. Rohit Reddy, Residing at Villa No. 160, Palm Meadows, Kompally, Hyderabad -500014.
3. The Reserve Bank of India, Rep. by its Governor, Central Office, Shahid Bhagat Singh Marg, Mumbai - 400001.

**...Respondents**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to:-

- (a) issue a Writ of Certiorari or any other appropriate writ, order or direction, quashing and setting aside the final common order dated 18.11.2025 passed by the Debts Recovery Appellate Tribunal, Kolkata, in Appeal No. 39 of 2025 and Appeal No. 52 of 2025, and consequently restore and uphold the order dated 11.03.2025 passed by the Debts Recovery Tribunal-II, Hyderabad in S.A. No. 395 of 2023.

- (b) declare that the classification of the Petitioners' loan account as a Non-Performing Asset and the measures initiated by Respondent No. 1 under Sections 13(2) and 13(4) of the SARFAESI Act are illegal, arbitrary and in violation of the mandatory directions contained in the RBI Resolution Framework 1.0 dated 06.08.2020, Resolution Framework 2.0 dated 05.05.2021, and the MSME Notification dated 29.05.2015.
- (c) declare that the auction sale conducted on 20.12.2023 and the sale certificate dated 23.01.2024 issued in favour of Respondent No. 2 are illegal, void and unenforceable and consequently direct Respondent Nos. 1 and 2 to restore possession and status of the secured assets to the Petitioners, if possession has been disturbed or transferred pursuant to the impugned sale proceedings,
- (d) Declare that the continued inaction of Respondent No. 3 in failing to consider and decide the Petitioner's representation dated 16.05.2024, made against Respondent No. 1 for its non-compliance with the mandatory RBI Resolution Framework 1.0 dated 06.08.2020, Resolution Framework 2.0 dated 05.05.2021, and the MSME Notification dated 29.05.2015, amounts to abdication of statutory and regulatory duties, is arbitrary and unconstitutional, and has caused grave prejudice to the Petitioner;

#### **IA NO: 2 OF 2025**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the operation and effect of the impugned final common order dated 18.11.2025 passed by the Debts Recovery Appellate Tribunal, Kolkata, in Appeal No. 39 of 2025 and Appeal No. 52 of 2025, pending disposal of WP.No.40595 of 2025, on the file of the High Court.

#### **IA NO: 3 OF 2025**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Respondent No. 3 to consider the Petitioner's representation dated 16.05.2024 against Respondent No. 1 Bank, as per the law, pending disposal of WP.No.40595 of 2025, on the file of the High Court.

#### **IA NO: 4 OF 2025**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct Respondent Nos. 1 and 2 not to alienate, encumber, transfer, or create any manner of third-party interest, and not to change the nature or character of the schedule properties covered under the Sale Certificate dated 23.01.2024 issued in favour of Respondent No. 2., pending disposal of WP.No.40595 of 2025, on the file of the High Court.

These petitions coming on for hearing, upon perusing the Petitions and the affidavits filed in support thereof and the order of the High Court dated: 05.01.2026, 20.01.2026 and 27.02.2026 made herein and upon hearing the arguments of SRI. ABHINAV KRISHNA UPPALURI Advocate for the Petitioners in both the petitions, SRI. DEEPAK BHATACHARJEE Advocate for the Respondent No.1 in both the petitions and SRI. VIVEK JAIN Advocate for the Respondent No.2 in both the petitions and Ms. CHOWDHARY ARCHANA Advocate for the Respondent No.3 in both the petitions, the Court made the following.

**ORDER:**

Heard learned counsel appearing for the petitioners who assails the order passed by the Debts Recovery Appellate Tribunal, Kolkata ('DRAT') in Appeal No.39 of 2025 and in Appeal No.52 of 2025 on 18.11.2025 by which the DRAT set aside the order of the Debts Recovery Tribunal-II, Hyderabad ('DRT-II') in S.A. No.394 of 2023 dated 11.03.2025. DRT-II had given an order in favour of the petitioners on 11.03.2025.

At the very outset, we made it clear to the learned counsel appearing for the parties that we will proceed to hear the Writ Petition instead of only dealing with the issues as to whether the interim relief granted to the petitioners by order dated 05.01.2026 should be continued or not.

Learned counsel appearing for the petitioners shall resume his submissions on 09.06.2026.

The auction purchaser will not take any steps to render the Writ Petitions infructuous till the Writ Petitions are dismissed or till further orders, whichever is earlier.

List this matter on 09.06.2026, as prayed for.

Sd/- MOHD.ISMAIL  
DEPUTY REGISTRAR

//TRUE COPY//

  
SECTION OFFICER

To,

1. The Authorised officer, Kotak Mahindra Bank Limited, 3rd Floor, Jewel Pawani Towers, Rajbhavan Road, Somajiguda, Hyderabad - 500082.
2. Mr. K. Rohit Reddy, Residing at Villa No. 160, Palm Meadows, Kompally, Hyderabad -500014.
3. The Governor, Reserve Bank of India, Central Office, Shahid Bhagat Singh Marg, Mumbai – 400001 (**RR 1 to 3 by SPAD**).
4. One CC to SRI. ABHINAV KRISHNA UPPALURI, Advocate [OPUC].
5. Two spare copies

**HIGH COURT**

**MBJ & GPKJ**

**DATED:04/05/2026**

**LIST THESE MATTERS ON 09.06.2026.**

**ORDER**

**WRIT PETITION NOs: 40594 AND 40595 OF 2025**

**DIRECTION**

